

# Court of Appeals, Division One

## Civil Appeal

**1 CA-CV 15-0498**

**STATE v. MCCCC et al.**

### Appellate Case Information

Case Filed: 30-Jul-2015

Case Closed:

### Dept/Composition

#### Department A

Hon. Kenton D Jones  
Hon. Patricia K Norris  
Hon. Paul J McMurdie

**Side 1. STATE OF ARIZONA ex rel. Attorney General Mark Brnovich, Counter-Defendant, Plaintiff/Appellant**

**(Litigant Group) STATE OF ARIZONA**

- State of Arizona
- Mark Brnovich  
AZ Bar No. 14134  
[Current Member]  
Admitted 5/23/92

#### Attorneys for: Plaintiff/Appellant

Kevin D Ray, Esq. (AZ Bar No. 7485)  
Rusty D Crandell, Esq. (AZ Bar No. 26224)

**Side 2. MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT BOARD, Defendant/Appellee**

**(Litigant Group) MCCCC**

- Maricopa County Community College District

#### Attorneys for: Defendant/Appellee MCCCC

Mary R O'Grady, Esq. (AZ Bar No. 11434)  
Lynne C Adams, Esq. (AZ Bar No. 11367)  
Eric M Fraser, Esq. (AZ Bar No. 27241)

**Side 3. ABEL BADILLO and BIBIANA VAZQUEZ, Intervenor-Defendants/Appellees/Counter-Plaintiffs, Intervenor/Appellee**

**(Litigant Group) ABEL BADILLO and BIBIANA VAZQUEZ**

- Abel Badillo
- Bibiana Vazquez

#### Attorneys for: Intervenor-Defendants/Appellees

Daniel R Ortega, Jr, Esq. (AZ Bar No. 5015)  
Jose de Jesus Rivera, Esq. (AZ Bar No. 4604)  
Nathan J Fidel, Esq. (AZ Bar No. 25136)  
Victor Viramontes, Esq. (AZ Bar No. VictorViramontes)  
Martha L Gomez, Esq. (AZ Bar No. MarthaLGomez)  
Noel Fidel, Esq. (AZ Bar No. 2486)

### CASE STATUS

Nov 28, 2016...Assigned

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2013-009093	Declaratory and Injunctive Relief		Arthur T Anderson, Authoring Judge of Order		

### CALENDAR

**Tuesday** MONTHLY COURT CASE CALENDAR  
**10-Jan-2017** Department A; COURTROOM 1  
11:00 AM

### 43 PROCEEDING ENTRIES

- 30-Jul-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/01/15
- 30-Jul-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
- 6-Aug-2015 FILED: Notice to Parties re: No Appellant's Fee/Appellees' Fees/Case Management Statement/Brief Due
- 11-Aug-2015 FILED: Notice of Substitution of Counsel Within the Same Firm; Certificate of Service (Appellee)
- 14-Aug-2015 RECEIPT No.: 2015-01127 ; \$140.00, Authorization: #25012625155, Applied to: MCCCC - Overpayment Class B (\$140.00) Paid for: Osborn Maledon PA - By Integrated Resource Systems IN (Memo: Pmt made in error - Exempt from fee - Refund needed)

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6. 17-Aug-2015 RECEIPT No.: 2015-01131 ; \$140.00, Check Number: #081115, Applied to: ABEL BADILLO and BIBIANA VAZQUEZ - Class B Filing Fee (\$140.00) Paid for: - By Mexican American Legal Defense & Educational Fund
7. 21-Aug-2015 FILED: Letter, 8/21/15, COA to Osborn Maledon PA re: Refund of duplicate [sic] (exempt) filing fees
8. 25-Aug-2015 FILED: Plaintiff/Counter-Defendant/Appellant Case Management Statement
9. 22-Sep-2015 FILED: Unopposed Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
10. 24-Sep-2015 ORDERED: Unopposed Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 10-05-2015 to Wednesday, 11-04-2015. Melina Brill ProTem Judge - Author
11. 29-Oct-2015 FILED: Second Unopposed Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
12. 2-Nov-2015 ORDERED: Extending the time for filing the Opening Brief to/including 11/18/15. Melina Brill ProTem Judge - Author
13. 18-Nov-2015 FILED: Plaintiff-Appellant's Opening Brief; Certificate of Compliance; Certificate of Service
14. 25-Nov-2015 FILED: Joint Unopposed Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
15. 27-Nov-2015 ORDERED: Joint Unopposed Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED and extending time for filing all answering briefs to/including 2/3/16. Barbara Vidal Vaught ProTem Judge - Author
16. 23-Dec-2015 FILED: Second Unopposed Joint Motion for Extension of Time to File Answering Briefs; Certificate of Service (Intervenor)
17. 23-Dec-2015 FILED: Amended Certificate of Service (re: Second Unopposed Joint Motion for Extension of Time) (Intervenor/Appellee)
18. 28-Dec-2015 ORDERED: Denying the Second Unopposed Joint Motion for Extension of Time to File Answering Briefs. Barbara Vidal Vaught ProTem Judge - Author
19. 11-Jan-2016 FILED: Second Unopposed Motion for Second Extension of Time to File Answering Briefs (Badillo/Vazquez); Certificate of Service (Appellee)
20. 12-Jan-2016 ORDERED: Second Unopposed Motion for Second Extension of Time to File Answering Briefs (Badillo/Vazquez) (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 02-03-2016 to Wednesday, 02-17-2016. Melina Brill ProTem Judge - Author
21. 17-Feb-2016 FILED: Request for Oral Argument; Certificate of Service (Appellee)
22. 17-Feb-2016 FILED: Intervenor Defendants-Appellees' Notice of Appearance of Noel Fidel; Certificate of Service (Appellee Badillo/Vazquez)
23. 17-Feb-2016 FILED: Defendant-Appellee Combined Answering Brief and Appendix; Certificate of Compliance; Certificate of Service (Appellee MCCCD)
24. 17-Feb-2016 FILED: Intervenor/Defendants-Appellees Answering Brief; Certificate of Compliance; Certificate of Service (Appellee Badillo/Vazquez)
25. 18-Feb-2016 FILED: Intervenor Defendants-Appellees Notice of Errata and Correction to Answering Brief; Certificate of Service (Appellee Badillo/Vazquez)
26. 18-Feb-2016 FILED: Intervenor/Defendants-Appellees Answering Brief (Corrected); Certificate of Compliance; Certificate of Service (Appellee Badillo/Vazquez)
27. 18-Feb-2016 FILED: Intervenor/Defendants-Appellees Request for Oral Argument; Certificate of Service (Intervenor)
28. 29-Feb-2016 FILED: Plaintiff-Appellant's First, Unopposed Motion for Procedural Order ot Extend Time to File Reply Brief; Certificate of Service (Appellant)
29. 1-Mar-2016 ORDERED: Plaintiff-Appellant's First, Unopposed Motion for Procedural Order ot Extend Time to File Reply Brief (Appellant)= GRANTED. Due date EXTENDED from Monday, 03-14-2016 to Monday, 03-28-2016. Barbara Vidal Vaught ProTem Judge - Author
30. 28-Mar-2016 FILED: Plaintiff-Appellant's Reply Brief; Certificate of Compliance for Plaintiff-Appellant's Reply Brief; Certificate of Service for Plaintiff-Appellant's Reply Brief

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31.	27-Apr-2016	FILED: Notice of Supplemental Citation of Legal Authority; Certificate of Service; Exhibit A (Intervenor/Appellees)
32.	3-May-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
33.	11-May-2016	ORDERED: Request for Oral Argument (Appellee) and Intervenor/Defendants-Appellees Request for Oral Argument (Intervenor) = GRANTED. Hon Michael J Brown - Author
34.	12-May-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
35.	28-Nov-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 1-10-17, 11:00 am, COURTROOM 1.
36.	29-Nov-2016	FILED: Notice of Oral Argument
37.	2-Dec-2016	FILED: Receipt for Notice of Oral Argument, signed by Mary R O'Grady on 11/29/2016 (Appellee MCCCC)
38.	6-Dec-2016	ORDERED: granting the request (request by Capitol Media Services to audio-record oral argument scheduled for 01/10/2017), subject to following restrictions as listed in order. Hon Kenton D Jones - Author
39.	16-Dec-2016	FILED: Substitution of Counsel; Certificate of Service for Notice of Substitution of Counsel (Appellant)
40.	16-Dec-2016	FILED: Appellees' Joint Motion for Procedural Order to Reschedule Oral Argument; Certificate of Service; Exhibits A and B (Appellee)
41.	19-Dec-2016	FILED: Appellant State of Arizonas Response to Appellees Joint Motion to Reschedule Oral Argument; Certificate of Service (Appellant)
42.	20-Dec-2016	FILED: Reply in Support of Appellees' Joint Motion for Procedural Order to Reschedule Oral Argument; Certificate of Service (Appellee)
43.	22-Dec-2016	ORDERED: Appellees' Joint Motion for Procedural Order to Reschedule Oral Argument (Appellee) = DENIED/without prejudice to Appellees and the State raising the issues presented in the motion at oral argument. FURTHER ORDERED: affirming the previously scheduled oral argument scheduled 01/10/2017. Hon Kenton D Jones - Author